

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held August 21, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Vice-Chairman William C. Seeds, Sr., on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Seeds were: William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer; and Wes Heisley, Dawood Engineering.

Pledge of Allegiance

Mr. Hornung led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the July 10, 2007 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

No public comment was presented.

Chairman & Board Members' Comments

Mr. Seeds introduced the following members from Boy Scout Troop 360, Holy Name of Jesus Church, who are present to work on their "Citizens in the Community" badge: Anthony Glusko, T. S. Zimmerman, Thomas Smyth, Mark Barnbak, Kevin Regan, and Shane Regan. In addition, the following Boy Scouts from Troop 23, St. Catherine Laboure Church, are also present to work on their "Citizens in the Community" and "Communication" badges: Andrew O'Gorman and Patrick O'Gorman, and their mother, Susan O'Gorman. He thanked the Boy Scouts for attending the meeting.

Manager's Report

Mr. Wolfe noted that he would like to provide a report on the Township's new website that was recently revised. He explained that the homepage includes the Township seal, accompanied by the vision and mission statements, and Township slogan. He noted that the current time and date are projected on the homepage as well. In addition, there are links to local and regional news. He explained that the Heart Smart/Street Wise Program is noted on the webpage and it is very similar to the Commonwealth's, Adopt a Highway Program. He explained that he hopes that residents and groups will adopt a Township road and maintain it. He noted that the Homepage also list the bridge closures, explaining that there were two bridges closed over I-81 for repairs, and one was recently reopened, and it is expected that the second bridge will reopen soon. He noted that ongoing maintenance is occurring on the Colonial Road Bridge that has resulted in the narrowing of two lanes. He noted that Dauphin County has announced that it will close the Red Top Road Bridge for re-decking at the Lower Paxton Township and South Hanover Townships border.

Mr. Wolfe noted that the website provides a quick link for municipal meetings schedules and agendas when available. He noted that the website also contains considerable information regarding municipal services for all its departments. He noted that it also provides for public notices and a community events calendar. He noted organizations wishing to post their events on the webpage, should contact him at the Township with the information to be posted.

Mr. Wolfe explained that there is also information regarding local government and detailed information regarding the Board of Supervisors. He noted that Lower Paxton Township is the 19th largest municipality in Pennsylvania by population, with 44,424 citizens in the year 2000. He noted that most of the 2nd Class Townships are much smaller and usually represent populations of less than 10,000 people. He noted that there are 2,566 municipal government entities in Pennsylvania.

Mr. Wolfe explained that various forms and applications are available on-line. He noted that there is also information on the Village of Linglestown Action Plan. In addition, you will find a listing of all persons who serve on the various Township boards and committees. He noted that there is also information on the open records policy, the codified ordinances, as well as the new zoning ordinances.

Mr. Wolfe explained that there is a wide variety of information that is available electronically to the residents of the community, and he invited the citizens to take the time to view the Township website.

Mr. Seeds noted that with the bridge construction that is occurring in the Township, it has helped to create gridlock in the Township, and unfortunately, it is out of the Township's control to do anything about it.

OLD BUSINESS

Second lease agreement between the Township and New Love in Christ Church for parking spaces on property located at 6003 Old Jonestown Road

Mr. Wolfe explained that the second lease agreement is a reiteration of the first lease agreement, whereby the Township leases parking spaces from the New Love in Christ Church to provide additional parking for the Thomas B. George Jr. Park and the Ranger Soccer fields. He noted that the payment to the church will be made with in-kind services to provide on-site landscaping and parking lot maintenance activities in the amount of \$27,287. He explained that additional work in the amount of \$14,113 will be completed over the course of the agreement. He noted that the agreement is for five years from August 15, 2006 through August 14, 2011. He explained that the total amount of the lease agreement is \$41,400.00, and that all other terms as set in the first agreement have been carried forward into the second agreement.

Mr. Blain made a motion to approve the second lease agreement between the Township and New Love in Christ Church for parking spaces on property located at 6003 Old Jonestown

Road. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Resolution 07-34; authorizing submission of a request for reimbursement of police officer training expenses through the MPOTEC

Mr. Wolfe explained that this resolution is required by the provisions of the Municipal Police Officer's Education and Training Act, Act 120 of 1974 that allows the Township to apply for reimbursement for expenses occurred by the Township for the training of Police Officers.

Mr. Blain made a motion to approve Resolution 2007-34; authorizing submission of a request for reimbursement of police officer training expenses through the Municipal Police Officer's Education and Training Commission. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

Resolution 07-35; authorizing the submission of a Highway Occupancy Permit to PENNDOT for sanitary sewer work on Valley Road in the right-of-way of I-83

Mr. Wolfe explained that the Township needs to apply for the Highway Occupancy Permit to install the new sanitary sewer line in Valley Road, and this permit would allow the Township to work in the right-of-way of Interstate 83 as Valley Road passes underneath it. He noted that a resolution and different type of application is required since it involves a PENNDOT right-of-way. He noted that the Board previously awarded a contract to perform the work to install a new 15-inch sanitary sewer line as part of the overall rehab and I&I Abatement program.

Mr. Crissman made a motion to approve Resolution 07-35; authorizing the submission of a Highway Occupancy Permit to PENNDOT for sanitary sewer work on Valley Road in the right-of-way of I-83. Mr. Blain seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

Action on bids for the purchase of vehicle fuels

Mr. Wolfe noted that the Board needs to take action on bids for vehicle fuels. He explained that bids were received from Petroleum Traders Corporation, Farm and Home Oil Company, and Montour Oil Services. He noted that the low bid was in the amount of \$245,722 submitted by Petroleum Traders Corporation. He noted that staff determined that the other two bids were incomplete in their responses. He explained that the bids covered diesel fuel and unleaded gasoline for Lower Paxton Township, the three fire companies, and through a sales agreement, Dauphin County Technical School, West Hanover Township Authority, and South Central Emergency Medical Services.

Mr. Blain made a motion to approve the purchase of fuel oil from Petroleum Traders Corporation for gasoline and diesel fuel in the amount of \$245,722.00. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

Ordinance 07-08; restatement of the Lower Paxton Township Police Pension Plan

Mr. Wolfe noted that the Township has a very large pension ordinance document and this ordinance is a complete restatement of the Police Pension Plan. He noted that the restatement is necessary to incorporate changes to the pension plan that have been made in collective bargaining with police officers in past contracts that have an effective date of January 1, 2002, through Ordinance 03-03; and January 1, 2005 which made additional changes through Ordinance 05-09. He noted that the changes were never codified and the purpose of the restatement is to codify all changes into one current document. He noted that a plan description will be prepared from this document for the police employees.

Mr. Wolfe noted that the police and non-uniformed pension ordinances revisions have been prepared by the consultant and reviewed by the administrator, Donna Speakman, and are

complete for Board action this evening. He noted that both Ordinances were advertised for a public hearing.

Mr. Seeds questioned if the Township must conduct a public hearing. Mr. Stine answered that public hearings are only required for zoning and subdivision land development ordinances, but the Township routinely conducts public hearings for all ordinances. He noted that he did not know how the ordinances were advertised. Mr. Wolfe noted that they were advertised for public hearings.

Mr. Stine noted that this is the date and time to conduct a public hearing for Ordinance 2007-08; the restatement of the Lower Paxton Township Police Pension Plan. He questioned if there was anyone in the audience that wished to be heard on this ordinance. He noted that seeing no response, it would be in order at this time to close the public hearing on Ordinance 2007-08, and the board could take action if it so desires.

Mr. Crissman moved to approved Ordinance 2007-08, the re-codification of the Lower Paxton Township Police Pension Plan effective January 1, 2007. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Ordinance 07-09; restatement of the Lower Paxton Township
Non-Uniformed Employees Pension Plan

Mr. Wolfe explained that this ordinance for the Non-Uniformed Employees has been prepared for the same purpose as the ordinance for the Police Pension Plan. He noted that the Township is also codifying changes that have been made through Ordinance 2002-12, Ordinance 2004-09, and Ordinance 2005-10. He noted that the incorporation of these ordinances into one document would codify the Non-Uniform Employee Pension Plan, and from this new plan, statements will be issued to all non-uniformed employees.

Mr. Stine noted that this was the time and date set to conduct a public hearing on Ordinance 2007-09, a restatement of the Lower Paxton Township Non-Uniformed Employees Pension Plan. He questioned if there was anyone in the audience that wished to be heard on this ordinance. He noted that seeing no response, it would be in order to close the public hearing on Ordinance 2007-09, and the Board may take action if it so desires.

Mr. Crissman moved to approved Ordinance 2007-09, the re-codification of the Lower Paxton Township Non-Uniform Employee Pension Plan effective January 1, 2007. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Ordinance 07-11; amending the International Fire Code: 2006
as adopted through Ordinance 04-08

Mr. Wolfe noted that the Township enforces the Pennsylvania Uniform Construction Code (PAUCC) for all building construction activities within the community. He explained that the International Fire Code (IFC) is part of the PAUCC. He explained that at the end of last year, the PAUCC was updated from the 2003 version of various codes to the 2006 version. He noted that this occurs automatically in-place in Lower Paxton Township, however, there is a need to amend the 2006 version of the PAUCC to add the following specific provision, “a person shall not kindle or maintain or authorize to be kindled any open burning unless conducted and approved in accordance with the section. The open burning of refuse and recyclable materials, including leaf waste, as defined in Article 165, Section 2 of the Codified Ordinances of the Township, shall be prohibited.” He noted the reason for inclusion of this statement is that the Pennsylvania Department of Environmental Protection (DEP) requires Lower Paxton Township’s Ordinance to make this specific statement to enforce and support the recycling effort as mandated by State Act 101. He noted that this statement that was included in the Ordinance that adopted the 2003 IFC and this action would carry this forward to the 2006 IFC.

Mr. Seeds noted that most people should be aware that there is a ban on outside burning. Mr. Wolfe noted that recreational fires are still permitted, but a person cannot burn trash, or anything that is recyclable, to include leaf waste materials. He noted that this was in place with the 2003 IFC, but the Township needed to carry this amendment forward to the 2006 IFC.

Mr. Hornung noted that many people come into his store and ask why they are not permitted to burn their leaf waste and yard waste. He noted that when they understand that it is mandated by DEP, and if the Township failed to follow these rules, it would not be permitted to receive certain sizeable grants that it receives. Mr. Wolfe noted that the Township receives funding that is tied to the prohibition of the burning of leaf waste.

Mr. Stine noted that this is the time and date set for the public hearing on Ordinance 2007-11, amending the International Fire Code 2006. He questioned if there was anyone in the audience that wished to be heard on this Ordinance. He noted that seeing no response, it would be in order at this time to close the public hearing on Ordinance 2007-11, and the Board may take action if it so desires.

Mr. Blain moved to approved Ordinance 2007-11, amending the International Fire Code 2006. Mr. Crissman seconded the motion, and Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Preliminary/final subdivision plan for Brown Farm

Mr. Wolfe explained that the purpose of this plan is to separate an existing dwelling and undeveloped land (Lot #2) from residual Lot 1. The tract consists of 47.08 acres, is located at 6370 Lyters Lane, is zoned R-1, Low Density Residential District, and will be served by private water and public sewer. He noted that the purpose of the plan is to create one building lot that is indicated in the lower right hand corner of the plan.

Mr. Wolfe noted on June 13, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments. The approval was also subject to providing a note on the plan that, in the event of future subdivision and /or development of Lot #1, all improvements waived by this action will be made along the frontage of both Lots #1 and #2.

Mr. Wolfe noted that the plan is complete for Board action with the following four waivers that are supported by staff: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum cartway width requirement of thirty-six (36) feet; 3) Waiver of the requirement to provide sidewalk and curbing along Lyters Lane; and 4) Waiver of the requirement to provide a storm water management plan. He noted that staff supports the waivers since there is no development taking place at this point in time. He noted that the vast majority of the tract will remain open with development to occur sometime in the future under a separate subdivision and land development plan.

Mr. Wolfe noted that the one site specific condition addressing HRG's comments dated August 17, 2007, has been addressed. In addition, there are the following general conditions; 1) Plan approval shall be subject to providing original seals and signatures; 2) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 3) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 4) Plan approval shall be subject to the payment of fee-in-lieu for one lot at \$2,300 per lot; and 5) Plan approval shall be subject to payment of the engineer review fees. He noted that staff was notified late this afternoon that no one would be able to attend the meeting, and they requested to keep the plan on the agenda, knowing that the Board may table the plan.

Mr. Seeds noted that the Planning Commission recommended approval with the notation that a note be put on the plan for future development. He questioned if this would be necessary since they would need to request those waivers at that time. He noted that it would not be necessary to put that note on the plan. Mr. Hornung suggested that if Lot 1 is developed, all the

improvements for both Lot 1 and Lot 2 that are being waived tonight would then be reviewed again. He noted if Lot 1 and Lot 2 submit a plan then there would be an opportunity to review the waivers, but if only Lot 1 is developed there would be no ability to require it of Lot 2. Mr. Seeds questioned if the Township could require this. Mr. Stine answered that he would need to review the comment.

Mr. Crissman noted that he would like to table the plan since no one is present to respond to the plans comments.

Mr. Seeds noted that, although Mr. Hornung explained what the Planning Commission was requesting, he was not sure that that is what was intended.

Mr. Crissman moved to table the preliminary/final subdivision plan 2007-10 for Brown Farm with the 90-day approval deadline as presented. Mr. Blain seconded the motion, and Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Mr. Hornung stated that he wanted to address the Boys Scouts in the audience. He noted that a major part of the government is directed towards land development. He explained that the Board writes ordinances that control the development, and when developers submit plans to the Township to be approved, they attempt to comply with the ordinances, but if they are unable to do so, they must request a waiver. He noted that in this particular plan, the developer wanted to divide the land into two lots. He noted that it is the job of the Board members to review the plan and ensure that it conforms to the ordinances, and determine what waivers the developer may need to have the plan approved. He noted that this is what the Subdivision and Land Development part of the meeting is all about. He noted that the Dauphin County and Lower Paxton Township Planning Commissions review the plans and provide comments to the Board members to assist in their decision. He noted that the Board members, with additional information from staff, either vote to approve or reject a plan with or without the requested

waivers. He noted that this plan was tabled because the owner was not available to answer the Board members questions.

Preliminary/final re-subdivision plan for Old Iron Estates, Phase III, Lots 75 & 76

Mr. Wolfe noted that the purpose of this plan is to subdivide the western portion of Lot #76 and add that portion to Lot #75. He explained that the two lots are located on the south side of McCormick Lane, which is north of Red Top Road. He noted that Old Iron Estates is zoned R-1, Low Density Residential District, and is served by public sewer and public water.

Mr. Wolfe noted that on August 8, 2007, the Planning Commission recommended approval of the plan and the following waivers: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that the plan show contours; and 3) Waiver of the requirement to locate a driveway at least 10 feet away from an inlet or catch basin. He noted that there are two additional general conditions for the plan. He noted that the plan is ready for Board action, and HRG's comments have been addressed.

Mr. Seeds noted that the driveway is roughly four feet from the inlet, and there are many other drains that are closer than 10 feet to the driveways.

Mr. Wes Heisley with Dawood Associates stated that he would represent the plan, and he explained that one of the contractors involved with the project did his own work to locate a property boundary and did it incorrectly. He noted that the plan would move the property boundary line slightly in order to bring all the non-conformities into compliance.

Mr. Wolfe noted that the property lines narrow to a point at the front and are separated by six feet at the rear. Mr. Seeds questioned what would happen if the Board did not approve the plan. Mr. Heisey noted that Mr. Eshelman, who is the owner of the lot in question, does have several alternatives, one which would be to request a variance for the mis-located items and compensate the adjacent property owner and acquire easements for anything over the property

line. He explained that Mr. Eshelman found that not to be a desirable option, and chose this one instead.

Mr. Hornung questioned if he would be purchasing the triangular piece of land. Mr. Heisey answered that he is the engineer and does not get involved with financial aspects of the plan. Mr. Heisey suggested that Mr. Carricato was also the builder for the Eshelman property.

Mr. Crissman noted that Mr. Heisey was in agreement with the three requested waivers, but he questioned if he was in agreement to the two general conditions. Mr. Heisey answered that he was in agreement to the two conditions.

Mr. Crissman made a motion to approved the Preliminary/Final Re-subdivision Plan 2007-07 for Old Iron Estates, Phase III, Lots 75 and 76, with the following waivers and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that the plan show contours; 3) Waiver of the requirement to locate a driveway at least 10 feet away from an inlet or catch basin; 4) Plan approval shall be subject to providing original seals and signatures on the plan; and 5) Plan approval shall be subject to the payment of the engineering review fees. Mr. Blain seconded the motion, and Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

IMPROVEMENT GUARANTEES

Mr. Seeds noted that there were three improvement guarantees for consideration.

Mindy Meadows, Phase 2

An extension and 10% increase in a bond with Eastern Development and Planning, Inc. in the amount of \$583,000.00 with an expiration date of September 5, 2008.

Commerce Bank

An extension and 10% increase in a letter of credit with Commerce Bank in the amount of \$296,702.70 with an expiration date of September 13, 2008.

Patton Place

A reduction in a letter of credit with Integrity Bank in the amount of \$34,212.00 with an expiration date of May 15, 2008.

Mr. Hornung explained to the Boys Scouts that the Board approves an improvement guarantee that assures the Township that the improvements such as sidewalks and roadways that are public improvements will be completed. He explained that the Township forces the developer to set aside money, or a guarantee, that these improvements will be completed, and if they are not completed in accordance with the regulations, the Township can get the money from the bank and complete the project itself. He noted that it is the Township's way to control the quality and timing of improvements to the Township's satisfaction.

Mr. Crissman made a motion to approve the three listed improvement guarantees. Mr. Blain seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Blain made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8: 27 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary